

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

URSULA MCGLONE, *et al.*,

Plaintiffs,

v.

Case No. 2:19-cv-2196

Chief Judge Algenon L. Marbley

Chief Magistrate Judge Elizabeth P. Deavers

**CENTRUS ENERGY CORP.,
et al.,**

Defendants.

ORDER

Plaintiffs are **DIRECTED** to file a Sur-Reply to the Reply filed by the Ohio Department of Health (“ODH”) on May 15, 2020 (ECF 103), in support of its Motion to Quash (ECF 89), **on or before JULY 13, 2020**. Plaintiffs shall limit their discussion to responding to the following argument set forth by ODH:

ODH is not blocking Plaintiffs’ expert from studying the OCISS data. Access to OCISS data is provided in the secure (non-public access) Ohio Public Health Information Warehouse to researchers who obtain ODH Institutional Review Board (“IRB”) approval. Upon approval, the researcher would be bound by a Data Use Agreement that incorporates the Disclosure Limitation Standard.

The Plaintiffs’ expert, with IRB approval, would have full access to the OCISS cancer data which can be categorized, sorted and manipulated in any manner that is within the scope of the IRB protocol. However, before any results of the research can be published, Plaintiffs’ expert would be required to apply the Disclosure Limitation Standard to determine if PHI is present. At that point, if Plaintiffs determine that they require PHI for the litigation, a protective order can be narrowly tailored to meet the identified need.

ODH has explained the process and the necessary steps that the Plaintiffs must complete to conduct research in the OCISS data base through the IRB process. To date there has not been an application submitted to the IRB.

(ECF No, 103, at pp. 6-7.)

The Sur-Reply shall not exceed five pages in length.

IT IS SO ORDERED.

DATED: July 2, 2020

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
CHIEF UNITED STATES MAGISTRATE JUDGE